

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 4:15-CR-183-Y
	§	
LACIE REBEKAH WHISENANT (1)	§	

**AMENDED ORDER SETTING SCHEDULE FOR SENTENCING**

The Court has received a request from the probation officer assigned to this case for an extension of time to deliver the presentence report. The Court concludes the request is meritorious and that it should be and is hereby GRANTED. Accordingly, paragraphs 5 through 14 of the most recent Order Setting Schedule for Sentencing are hereby AMENDED as follows:

5. The probation officer shall electronically file the presentence report with the clerk of Court and deliver a judge's copy to chambers,<sup>1</sup> **no later than November 25, 2015.**

6. Written objections to the presentence report in the form illustrated in Exhibit A attached hereto, or written notice of no objections, shall be electronically filed with the clerk of Court and a judge's copy delivered to chambers **no later than December 9, 2015.**

7. A written response to the opposing party's objections to the presentence report shall be electronically filed with the clerk of Court and a judge's copy delivered to chambers **no later than December 16, 2015.**

8. If written objections to the presentence report have been timely filed, the probation officer shall electronically file an addendum to the presentence report and deliver a judge's copy to

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<sup>1</sup>All deliveries to the Court, either by mail or hand-delivery are to be made to Carmen Bush, courtroom deputy, Eldon B. Mahon United States Courthouse, 501 West 10th Street, Room 504, Fort Worth, Texas 76102.

Judge's copies of all documents filed electronically are required to be delivered to chambers within **24-hours of their electronic filing** and in accordance with the judge-specific requirements for the Judge Means.

chambers **no later than December 23, 2015.**

9. Each party may electronically file, and deliver a judge's copy to chambers, a sentencing memorandum **no later than December 23, 2015.**

10. Any other item the parties wish the Court to consider in connection with sentencing, including character letters and victim statements, must be **delivered** to chambers **no later than December 23, 2015.**<sup>2</sup> All characters letters and victim statements written in **a foreign language** must be translated into English prior to submission to the Court. **No such letters or statements will be considered by the Court if not provided to the opposing party at least seven days prior to the sentencing hearing.**

11. Any motion for a sentence above or below the advisory guideline range set out in the presentence report must be electronically filed with the district clerk and a copy of the motion shall be delivered to chambers **no later than December 30, 2015.**<sup>3</sup> Such a motion and any response thereto may be filed under seal without being accompanied by a motion to seal provided that the motion (or the response thereto) contains in its title the notation, "UNDER SEAL PURSUANT TO SCHEDULING ORDER DATED \_\_\_\_\_. "<sup>4</sup>

12. Any party served with a motion for a sentence above or below the advisory guideline range shall electronically file a response with the clerk of Court and a judge's copy shall be delivered to chambers **no later than January 6, 2016.**

13. The probation officer shall **deliver**<sup>5</sup> to chambers a sentencing recommendation **no later than noon on January 12, 2016.**

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<sup>2</sup>Character letters and victim statements are **not** to be filed (manually or electronically) with the clerk of Court.

<sup>3</sup>Any party moving for a sentence above or below the advisory guideline range must set out in detail the facts that support such motion. The party must also clearly indicate whether the party is seeking an upward or downward departure under Chapters Four or Five of the United States Sentencing Guidelines or is seeking a sentence outside the guidelines regime under 18 U.S.C. § 3553(a), or both. If the party is seeking a sentence under subsection (a) of § 3553, the party must identify the paragraphs and subparagraphs of subsection (a) that the facts implicate in support of a sentence above or below the advisory guideline range and demonstrate in detail how they do so.

<sup>4</sup>Motions for a sentence above or below the advisory guideline range filed under seal may be filed electronically pursuant to LCrR 55.3.

<sup>5</sup>The recommendation is **not** to be filed.

14. The sentencing hearing is set for 10:00 a.m. on March 8, 2016.

15. Before a party files a motion to continue sentencing, he must confer with counsel for the other party concerning what dates he cannot be available for sentencing over the ensuing sixty-day period. The party's motion for continuance must then set out those dates. The motion must also inform the Court of how long the party desires to postpone sentencing.

Further, a motion for continuance may be filed under seal without leave of Court provided that it contains in its title the notation, "UNDER SEAL PURSUANT TO SCHEDULING ORDER DATED \_\_\_\_\_."

16. The parties must be prepared at the sentencing hearing to present evidence, arguments, and legal authorities relating to any factual or legal issues that are raised by the presentence report or any addendum thereto or any objection to either.

17. All motions and responses to motions any party wishes the Court to consider in connection with any sentencing matter shall be electronically filed with the clerk and a judge's copies delivered to chambers. If a party desires the sealing of any such motion or response, the heading of the instrument must state that the document is being filed "under seal" and, except as set out in numbered paragraph 11, above, be accompanied by a motion to seal.

SIGNED October 8, 2015.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

TRM/cb

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

VS.

JOHN DOE (1)

§  
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CRIMINAL NO. 4:00-CR-000-Y

OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

TO THE HONORABLE TERRY R. MEANS, UNITED STATES DISTRICT JUDGE:

COMES NOW, JOHN DOE, defendant, by and through his attorney of record Jane Doe, and hereby submits these written objections to the presentence investigation report (PSR) dated January 3, 2014, as prepared by U.S. Probation Officer, Don Smith, and shows as follows:

OBJECTION NO. 1:

Defendant objects to paragraph 10 on page 3 of the PSR because . . . .

OBJECTION NO. 2:

Defendant objects to paragraph 25 on page 7 of the PSR because . . . .

WHEREFORE, Defendant respectfully submits these written objections to presentence investigation report and requests the Court to sustain the objections and to grant such other and further relief as may be warranted.

Respectfully submitted,

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Jane Doe  
State Bar No. 00000000  
FIRM NAME  
ADDRESS  
TELEPHONE NUMBER  
FACSIMILE NUMBER

Attorney for John Doe

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Defendant's Written Objections to Presentence Investigation Report have been served upon the Assistant U.S. Attorney and U.S. Probation Officer on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

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Jane Doe

**EXHIBIT 'A'**